

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner again objects to the specification alleging that the incorporation of essential material in the specification by reference to a foreign application or patent, or to a publication, is improper. The Examiner cites MPEP 608.01(p) to support such a position. In response, the Applicant respectfully submits that MPEP 608.01(p) supports Applicant's position that the incorporation by reference of the priority document is proper at sub-part B, which recites in part:

As a safeguard against the omission of a portion of a prior application for which priority is claimed under 35 U.S.C. § 119(a)-(d) or (f), or for which benefit is claimed under 35 U.S.C. § 119(e) or 120, applicant may include a statement at the time of filing of the later application incorporating by reference the prior application.

The same section also refers to MPEP 201.13, in which sub-part G recites in part:

Applicant may incorporate by reference the foreign priority application by including a statement in the U.S. application-as-filed that such specifically enumerated foreign priority application is "hereby incorporated by reference."

Therefore, it is clear from the MPEP that such incorporation by reference is proper. Accordingly, it is respectfully requested that the objection to the specification be withdrawn.

In the Official Action, the Examiner reiterates the rejection of claims 1-5, 9-13, and 17-22 under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 5,534,221 to Hillebrenner et al. (hereinafter "Hillebrenner"). The Examiner also makes two rejections citing new references. Specifically, the Examiner rejects claims 1-8, 10-13, 16-20 and 22-24 under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No.

4,730,729 to Mönch (hereinafter "Mönch"). The Examiner also rejects claims 1-3, 6-8, 10-13, 16-20 and 22 under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 4,798,292 to Hauze (hereinafter "Hauze").

In response, claims 1-13 and 16-24 have been canceled thereby rendering the rejections thereof moot. Accordingly, it is respectfully requested that the rejections under 35 U.S.C. § 102(b) be withdrawn.

Furthermore, new claims 25-34 have been added to further define the patentable invention. New claims 25-34 are fully supported in the original disclosure. Thus, no new matter has been entered into the disclosure by way of the addition of new claims 25-34.

The present invention, as recited in the claims, has a feature in that, when the inserting portion of the endoscope is bent and accommodated, the inserting portion and the hard operating portion of the endoscope are laid out or accommodated in the state in which they are separated from each other by a guide member, such as by a groove, a flexible restricting member, a lid member, a cylindrical member, and a partition member. None of the cited references teach or suggest such a feature.

In the Hillebrenner reference, the inserting portions are accommodated such that they overlap each other or the operating portions are accommodated such that they overlap each other, and a partial fixing is made for positioning. Hence, the insertion portion and the operating portion are not completely separate. So, when accommodating, the inserting portion and the operating portion are apt to interfere with each other such that the flexible part may become damaged.

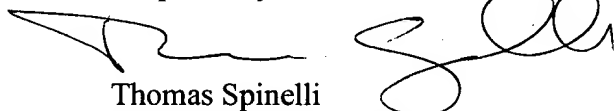
The Hauze reference discloses accommodating the main objects and the accessories such that they are separate. However, the Hauze reference does not disclose accommodating one object so as to be separate for respective parts of an endoscope.

The Mönch reference does not contemplate problems occurring when bending and accommodating an elongated flexible inserting portion of an endoscope. The Mönch reference certainly does not contemplate a solution to the problem addressed by the present application.

For at least the reasons set forth above, the Applicant respectfully submits that independent claim 25 patentably distinguishes over the prior art and is allowable and that claims 26-34 are at least allowable as being dependent therefrom.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,


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